

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

Charline Lanier,)	
)	
Plaintiff,)	
)	Civil Action No. 6:16-cv-01901-JMC
v.)	
)	ORDER AND OPINION
Nancy A. Berryhill,)	
Acting Commissioner of the)	
Social Security Administration,)	
)	
Defendant.)	
_____)	

This matter is before the court for review of the Magistrate Judge’s Report and Recommendation (“Report”) (ECF No. 17), filed on March 24, 2017. On June 10, 2016, Plaintiff Charline Lanier (“Plaintiff”) filed the complaint in this case appealing a final administrative decision by then Acting Commissioner Carolyn Colvin (“the Commissioner”) denying Plaintiff’s claim for disability insurance benefits.¹ (ECF No. 1.) The Report recommends that the court reverse the decision of the Commissioner and remand the case for administrative action consistent with the recommendation, pursuant to sentence four of 42 U.S.C. § 405. (ECF No. 17 at 20). The Report sets forth the relevant facts and legal standards, which this court incorporates herein without a recitation.

The Magistrate Judge’s Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *Mathews v.*

¹ Nancy A. Berryhill became the Acting Commissioner of Social Security on January 23, 2017. Pursuant to Fed. R. Civ. P. 25(d), Nancy A. Berryhill is substituted for former Acting Commissioner Carolyn W. Colvin as a Defendant in this lawsuit.

Weber, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the magistrate judge’s recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

The parties were notified of their right to file objections. On March 29, 2017, the Commissioner filed a response indicating that she would not be objecting to the Report. (ECF No. 19.) In the absence of objections to the Report, this court is not required to provide an explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Instead, the court must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough and careful review of the record, the court finds the Magistrate Judge’s Report provides an accurate summary of the facts and law in the instant matter. The court **ACCEPTS** the Magistrate Judge’s Report and Recommendation (ECF No. 17) and incorporates it herein by reference. For the reasons set out in the Report, the Commissioner’s decision is **REVERSED** and this matter is **REMANDED** so that the Commissioner may take administrative action consistent with the Report.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Court Judge

April 19, 2017
Columbia, South Carolina